



Livingston County Department of Planning

November 21, 2024

Hamburg Township Board of Trustees
c/o, Mike Dolan, Township Clerk
10405 Merrill Road
P.O. Box 157
Hamburg, MI 48139

Scott Barb
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Martha Haglund
AICP Candidate
Principal Planner

Re: Z-43-24: Zoning Text Amendment Hamburg Article 36.434-438 Cottage Housing Planned Unit Development

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, November 20, 2024, and reviewed the above text amendment. The County Planning Commissioners made the following recommendation:

Z-43-24 APPROVAL. The proposed amendments are appropriate and will help to reinforce the existing zoning language.

Copies of the staff review and Livingston County Planning Commission meeting minutes are enclosed. Please do not hesitate to contact our office should you have any questions regarding county action.

Sincerely,

Martha Haglund

Enclosures

c: Jeff Muck, Chair, Planning Commission
David Rohr, Planning & Zoning Director

Meeting minutes and agendas are available at:
<https://milivcounty.gov/planning/commission/>

Department Information

Administration Building
304 E. Grand River Avenue
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Howell, MI 48843-2323

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(517) 546-7555
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Web Site
milivcounty.com/planning



Livingston County Department of Planning

MEMORANDUM

Scott Barb
AICP, PEM
Director

Robert A. Stanford
AICP
Principal Planner

Martha Haglund
AICP Candidate
Principal Planner

TO: Livingston County Planning Commission and the
Hamburg Board of Trustees

FROM: Martha Haglund, Principal Planner

DATE: October 25, 2024

SUBJECT: Z-43-24. Hamburg Article 36-434-438 Cottage Housing
Planned Unit Development

Hamburg Township is proposing to remove their Cottage Housing Planned Unit Development Ordinance. The township amended and adopted Section 36.429-433: Elderly Cottage Housing Opportunity Ordinance to a Cottage Housing Opportunity Ordinance in September 2024. To avoid duplication of ordinances, the township seeks to remove Sections 36:434-438.

Staff has reviewed the proposed amendments for accuracy and compatibility with the existing ordinance language and offers the following summary for your review. Staff comments are noted throughout. The proposed changes will be to repeal the entire ordinance.

The following will be removed from the Hamburg Township Ordinance:

Sec. 36-434. Cottage housing planned unit development (CHPUD); intent.

(a) It is the intent of this section and sections 36-435 to 36-438 to offer an alternative to traditional single-family detached and attached housing developments through the use of planned unit development legislation as authorized by the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, as amended for the purpose of:

- (1) Encouraging the construction of more affordable single-family residential detached or attached dwelling units which utilizing public sewer and public water systems;
- (2) Facilitating the construction of affordable single-family residential detached or attached housing units on a smaller scale than conventional multifamily developments to accommodate higher density and lower cost dwelling units;

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- (3) Offering an alternative to multifamily residential developments in order to provide affordable housing for persons in a small scale, less dense neighborhood setting;
 - (4) Preserving the rural character and appearance of the Township through the construction of small scale environmentally sensitive developments on sites within the village center master plan area.
 - (5) Encouraging the clustering of detached or attached single-family dwelling units to promote the safety and security of the residents.
- (b) These regulations are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small residential nodes contrasting with open space and less intensive land uses. This section is not intended as a device for circumventing the zoning regulations of the Township, the standards set forth therein, nor the planning concepts upon which this chapter has been based.
- (c) These regulations are intended to result in a specific development substantially consistent with zoning ordinance standards yet allow for modifications from the general standards.

Sec. 36-435. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CHPUD means a housing development which meets the unique needs of the residents through the provision of significant facilities and services specifically designed to meet the physical or social needs of such residents.

CHPUD lot means land occupied or to be occupied by CHPUD units and accessory buildings permitted herein, together with such open spaces as are required under this chapter and having its principal frontage upon a street.

CHPUD unit means a single-family residential dwelling unit with full facilities for residential self-sufficiency.

Sec. 36-436. Zoning.

A CHPUD may be located in the following zoning districts: RB, VC and VR.

Sec. 36-437. Development design standards.

CHPUD housing shall meet the following criteria:

- (1) *Public sewer and public water.* Public sewer and public water shall be provided.
- (2) *CHPUD size.* No fewer than four CHPUD units nor more than 20 CHPUD units shall be permitted per lot.
- (3) *Acreage and density requirements.* A CHPUD development may be approved upon any residentially zoned land with density as permitted below:

<i>District</i>	<i>Minimum Acreage</i>	<i>Minimum Density per CHPUD Unit</i>
RB	1 acre	7,500 square feet
VC	1 acre	4,100 square feet
VR	1 acre	5,450 square feet

- (4) *Unified control.* The CHPUD shall be initially under single ownership or control, so there is a single person, entity or condominium having proprietary responsibility for the development of the CHPUD as evidenced by a title company licensed to do business in the state. In the event, all or any portion of the development changes ownership or control prior to completion of the project, the terms and conditions of this planned unit development shall be binding on any successor owner of all or any portion of the property.
- (5) *Guarantee of open/common space.* At least 50 percent of the total site area shall be preserved as open space. This open space shall be held in common ownership by all residents of the CHPUD. This open space shall be utilized for recreation facilities such as lawns, gardens, plazas, common use buildings, pool areas, picnic areas, walking trails or other open space uses which provide residents the opportunity to enjoy the features of the site. The open space shall be configured to be integrated with the individual units and maximize the proximity of each housing unit to natural open space. The principle common open space area shall be centralized to the project and at least 50 percent of the CHPUD units shall have their main entries on the centralized common space area. A guarantee to the satisfaction of the Township Planning Commission that all open/common space portions of the development will be maintained in the manner approved shall be provided. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the CHPUD plan.
- (6) *Area, height, bulk and layout regulations.*

Maximum CHPUD unit floor area:	1,200 square feet
Maximum building height:	2 stories
Distance between walls of buildings:	10 feet
Basement:	Optional
Shed:	Optional
Garage:	Optional
Covered parking:	Optional
Minimum setbacks*:	15 feet from street or private road right-of-way, 10 feet from side and rear lot lines, 5 feet from common access drives
Common access drives:	4 feet from all lot lines

*The setbacks are from the overall CHPUD lot.

- (7) *Attached units.* No more than four units shall be attached in a single structure.

- (8) *Garages/carports.* If provided, garages can be attached or detached from the main structure. Garages may be linked so as to have common walls. Garages/carports may be on common owned property.
- (9) *Porches.* Each CHPUD unit shall have a front porch that is a minimum of six feet deep and 50 percent of the front elevation.
- (10) *Private outdoor space.* Each unit shall have no more than 2,000 square feet of private outdoor space. This space shall include any private outdoor parking areas, open porches, and yard space that is not open for common use.
- (11) *Common area.* Each CHPUD shall have a common area containing at least one common use structure such as a pool house, clubhouse, gazebo, deck, patio or terrace that shall be covered with a roof, of similar architectural style and design as the CHPUD units located on the lot, and a minimum of 100 square feet. Common use structures can be counted towards the common open space area.
- (12) *Storage sheds.* Any storage sheds shall be so designed as to have the same roof pitch and architectural style as the CHPUD units in the development. Storage sheds may be linked so as to have common walls; however, each shed must have its own private, lockable access door. The dimensions of any shed servicing a CHPUD unit shall conform to other size provisions of this chapter. Storage sheds may be located on commonly owned property.
- (13) *Water and sewer system service.* CHPUD developments are required to be serviced by public sewer and public water services.
- (14) *Roads.* The CHPUD shall have paved access designed and constructed to AASHTO standards and shall provide adequate access for emergency vehicles.
- (15) *Parking requirements.* The parking standards for a CHPUD shall be two spaces per unit. Each parking space shall have a minimum size of 180 square feet (ten feet by 18 feet), may be located either on-site or within 100 feet of the site, may be on-street or off-street and may be within a garage or carport structure or unenclosed. If the applicant requests a reduction in the parking requirements the planning commission must make the findings that alternative transportation options have been provided to the future residence of the project.
- (16) *Construction drawings required.* Scaled floor plan and building elevation drawings shall be presented for each CHPUD unit within the CHPUD that has a different interior layout and square footage of living space.
- (17) *Sidewalks and access ramps.* All pedestrian circulation walkways and sidewalks shall be hard-surfaced with either asphalt, concrete or brick paving and be accessible to the handicapped according to the standards set forth in the Americans with Disabilities Act. Sidewalks and pathways shall be designed to connect the CHPUD units to the common areas on the lot and to connect with adjacent properties. Handicapped access ramps are exempt from the required setbacks.
- (18) *Interior design.* A minimum of ten percent or at least one, whichever is greater, of the CHPUD units shall meet the International Code Council (American National Standards Institute) Accessibility Standards for Type B units.
- (19) *Design compatibility.* The exterior of each CHPUD unit shall be compatible in terms of architectural design, materials and color with the residential structures in the

immediate neighborhood within 300 feet of the development parcel or lot. However, all housing units shall be a minimum of 14 feet wide at their least horizontal dimension and attached to a permanent foundation. Accessory buildings for a CHPUD unit, such as detached garage, common room and shed structures, shall be architecturally compatible with the design and style of the CHPUD units. Compatibility of design shall be decided by the planning commission.

- (20) *Waiver of standards.* The planning commission is hereby empowered to waive site design standards and development area requirements if public health and safety are not compromised. The planning commission is further empowered to specify conditions in issuing any special use permits as may be required.

Sec. 36-438. Project standards.

In considering any application for approval of a CHPUD site plan, the planning commission shall make their determinations on the basis of the standards for site plan approval set forth in article III of this chapter, as well as the following standards and requirements:

- (1) *Compliance with the CHPUD concept.* The overall design and land uses proposed in connection with a CHPUD shall be consistent with the intent of the CHPUD concept, as well as with the specific design standards set forth herein.
- (2) *Compatibility with adjacent uses.* The proposed CHPUD site plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. Pedestrian and vehicular circulation.
 - c. The location and screening of vehicular use or parking areas.
 - d. The provision of landscaping and other site amenities.
- (3) *Protection of natural environment.* The proposed CHPUD shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.
- (4) *Common area and unit maintenance.* The CHPUD shall include in the master deed, community bylaws or covenant provisions, as applicable for the maintenance of the common open space, including landscaping maintenance, snow removal and repairs to building exteriors, in a form approved by the Township Attorney.
- (5) *Compliance with applicable regulations.* The proposed CHPUD shall comply with all applicable federal, state and local regulations.

Staff Comments: The Township amended and adopted Section 36.429-433: Elderly Cottage Housing Opportunity Ordinance to a Cottage Housing Opportunity Ordinance in September 2024. To avoid duplication in the zoning ordinance the township seeks to remove Sec. 36.434-438 from the Township Zoning Ordinance.

Z-43-24: Hamburg Township
Repeal Cottage Housing PUD

TOWNSHIP RECOMMENDATION: APPROVAL Hamburg Township Planning Commission recommended approval to repeal Sections 36.434-438 of the Township Zoning Ordinance at their October 16, 2024, Planning Commission Meeting. There were not any public comments.

STAFF RECOMMENDATION: APPROVAL The proposed text amendments are appropriate and are consistent with existing zoning language. The repeal of section 36:434-438 will avoid duplication in the Township Zoning Ordinance.



Livingston County Department of Planning

LIVINGSTON COUNTY PLANNING COMMISSION MEETING

Wednesday, November 20, 2024 – 6:30 p.m.

Administration Building, Board of Commissioners Chambers
304 East Grand River, Howell, MI 48843

Please note that this is a hybrid meeting with County Planning Commissioners and staff meeting in-person. Audience participants are welcome to attend in-person or via Zoom by using the meeting link at the bottom of the agenda.

Scott Barb
AICP, PEM
Director

Robert A. Stanford
AICP
Principal Planner

Martha Haglund
AICP Candidate
Principal Planner

Agenda

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Roll and Introduction of Guests
4. Approval of Agenda – November 20, 2024
5. Approval of Meeting Minutes – October 16, 2024
6. Call to the Public
7. Presentation of Master Plan Photo Contest Winners
8. Zoning Reviews
 - A. Z-43-24: Hamburg Township Text Amendments, Section 36-434 Cottage Housing PUD
 - B. Z-44-24: Hamburg Township Text Amendments, Section 36-482 Signs and Sign Enforcement
 - C. PA-02-24: PA 116 Application – Conway Township - Copeland
9. Old Business:
10. New Business:
11. Reports:
 - A. Annual Meeting to Follow Adjournment
12. Commissioners Heard and Call to the Public
13. Adjournment

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Via Zoom (on-line meetings):

<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

Via the Zoom app

Join a meeting, with meeting number: **399 700 0062**

Enter the password: **LCBOC** (ensure there are no spaces before or after the password)

Meeting ID: **399 700 0062**

Password: **886752**

DRAFT
LIVINGSTON COUNTY PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 20, 2024
6:30 p.m.
Hybrid In-Person and Virtual Zoom Meeting

Zoom Virtual Meeting Room Meeting ID: 399-700-0062 / Password: LCBOC
<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRiWkVIZz09>

PLANNING COMMISSION			
COMMISSIONERS PRESENT:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Bill Anderson Matt Ikle Dennis Bowdoin Bill Call </td> <td style="width: 50%; border: none;"> Margaret Burkholder Paul Funk Kevin Galbraith </td> </tr> </table>	Bill Anderson Matt Ikle Dennis Bowdoin Bill Call	Margaret Burkholder Paul Funk Kevin Galbraith
Bill Anderson Matt Ikle Dennis Bowdoin Bill Call	Margaret Burkholder Paul Funk Kevin Galbraith		
COMMISSIONERS ABSENT:			
STAFF PRESENT:	Scott Barb Rob Stanford Martha Haglund		
OTHERS PRESENT:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Bruce Powellson-Marion Twp Carolyn Wesley-Brighton James Wesley-Brighton </td> <td style="width: 50%; border: none;"> Carol Peterson-Oceola Township Monica O'Connell </td> </tr> </table>	Bruce Powellson-Marion Twp Carolyn Wesley-Brighton James Wesley-Brighton	Carol Peterson-Oceola Township Monica O'Connell
Bruce Powellson-Marion Twp Carolyn Wesley-Brighton James Wesley-Brighton	Carol Peterson-Oceola Township Monica O'Connell		

1. **CALL TO ORDER:** Meeting was called to order by Planning Commissioner Anderson at 6:30 PM.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL AND INTRODUCTION OF GUESTS:** None.
4. **APPROVAL OF AGENDA:**

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO APPROVE THE AGENDA, DATED NOVEMBER 20, 2024, SECONDED BY COMMISSIONER FUNK.

All in favor, motion passed 7-0.

5. **APPROVAL OF PLANNING COMMISSION MEETING MINUTES**

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO APPROVE THE MINUTES, DATED OCTOBER 16, 2024, SECONDED BY COMMISSIONER BURKHOLDER.

All in favor, motion passed 7-0.

6. **CALL TO THE PUBLIC:** None.
7. **PRESENTATION OF MASTER PLAN PHOTO CONTEST WINNERS.**

8. ZONING REVIEWS:

A. Z-43-24: HAMBURG TOWNSHIP, AMENDMENTS TO ZONING ORDINANCE ARTICLES – SECTION 36-434 COTTAGE HOUSING PUD.

Hamburg Township is proposing to remove their Cottage Housing Planned Unit Development Ordinance. The township amended and adopted Section 36.429-433: Elderly Cottage Housing Opportunity Ordinance to a Cottage Housing Opportunity Ordinance in September 2024. To avoid duplication of ordinances the township seeks to remove Sections 36:434-436.

Township Recommendation: Approval. Hamburg Township Planning Commission recommended approval to repeal Sections 36.434-438 of the Township Zoning Ordinance at their October 16, 2024, Planning Commission Meeting. There were not any public comments.

Staff Recommendation: Approval. The proposed text amendments are appropriate and are consistent with existing zoning language. The repeal of section 36:434-438 will avoid duplication in the Township Zoning Ordinance.

Commission Discussion: Commissioner Burkholder asked if the existing ordinance still contains all the requirements for cottage housing PUD's. Commissioner Call would like to see height requirements included in the proposed language.

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER GALBRAITH.

Motion passed: 7-0.

B. Z-44-24: HAMBURG TOWNSHIP, AMENDMENTS TO ZONING ORDINANCE ARTICLES – SECTION 36-482 SIGNS AND SIGNS ENFORCEMENT.

Hamburg Township is proposing to amend their zoning ordinance language related to signs and sign enforcement. The proposed amendments update the code enforcement article numbers. The amendments also require township approval for park/trail related signs.

Township Recommendation: Approval. The Hamburg Township Planning Commission approved the proposed text amendments at their October 16, 2024, meeting. There were no public comments.

Staff Recommendation: Approval. The proposed text amendments are appropriate and will help to reinforce existing zoning language.

Commission Discussion: None

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER BOWDOIN.

Motion passed: 7-0.

9. OLD BUSINESS: None.

10. NEW BUSINESS: None.

11. REPORTS:

A. Annual Meeting to Follow Adjournment.

12. COMMISSIONERS HEARD AND CALL TO THE PUBLIC: None.

13. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO ADJOURN THE MEETING AT 6:50 PM, SECONDED BY COMMISSIONER CALL

Motion passed: 7-0.

DRAFT